

AMENDED IN ASSEMBLY MARCH 18, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1882

Introduced by Assembly Member Jerome Horton

February 4, 2004

An act to amend Section 486 of the Food and Agricultural Code, relating to agricultural inspectors; 186.26 of the Penal Code, relating to criminal gangs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1882, as amended, Jerome Horton. ~~Agricultural inspectors~~
Criminal gangs.

Existing law, as added by initiative statute, provides that any person who threatens another person with physical violence on 2 or more separate occasions within any 30-day period with the intent to coerce, induce, or solicit any person to actively participate in a criminal street gang, is punishable by imprisonment in the state prison for 2, 3, or 4 years. Existing law authorizes the Legislature to amend these provisions with a 2/3 vote of each house of the Legislature.

This bill would extend the scope of the crime to include threats made with the intent to coerce, prohibit, or otherwise prevent a person from leaving a criminal gang, as specified.

By changing the definition of an existing crime, this bill would impose a state-mandated local program.

By amending an initiative statute, this bill would require a 2/3 votes of the Legislature.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law prohibits the Secretary of Food and Agriculture from entering into a cooperative agreement with a county of the first class unless, among other things, all agricultural inspector aides performing work under the cooperative agreement are afforded protections as permanent employees, as specified.~~

~~This bill would revise that requirement to require 50% of the aides to be permanent employees for fiscal year 2004-05 and 100% for fiscal year 2005-06.~~

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 486 of the Food and Agricultural Code~~
2 *SECTION 1. Section 186.26 of the Penal Code is amended to*
3 *read:*

4 186.26. (a) Any person who solicits or recruits another to
5 actively participate in a criminal street gang, as defined in
6 subdivision (f) of Section 186.22, with the intent that the person
7 solicited or recruited participate in a pattern of criminal street gang
8 activity, as defined in subdivision (e) of Section 186.22, or with the
9 intent that the person solicited or recruited promote, further, or
10 assist in any felonious conduct by members of the criminal street
11 gang, shall be punished by imprisonment in the state prison for 16
12 months, or two or three years.

13 (b) Any person who threatens another person with physical
14 violence on two or more separate occasions within any 30-day
15 period with the intent to coerce, induce, or solicit any person to
16 actively participate in a criminal street gang, as defined in
17 subdivision (f) of Section 186.22, *or with the intent to coerce,*
18 *prohibit, or otherwise prevent a person from leaving a criminal*
19 *street gang, as defined in subdivision (f) of Section 186.22,* shall
20 be punished by imprisonment in the state prison for two, three, or
21 four years.

22 (c) Any person who uses physical violence to coerce, induce,
23 or solicit another person to actively participate in any criminal

1 street gang, as defined in subdivision (f) of Section 186.22, or to
2 prevent the person from leaving a criminal street gang, shall be
3 punished by imprisonment in the state prison for three, four, or five
4 years.

5 (d) If the person solicited, recruited, coerced, or threatened
6 pursuant to subdivision (a), (b), or (c) is a minor, an additional term
7 of three years shall be imposed in addition and consecutive to the
8 penalty prescribed for a violation of any of these subdivisions.

9 (e) Nothing in this section shall be construed to limit
10 prosecution under any other provision of law.

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 ~~is amended to read:~~

21 ~~486. (a) The secretary may not enter into a cooperative~~
22 ~~agreement with a county of the first class for agricultural inspector~~
23 ~~services if the cooperative agreement requires that year-round~~
24 ~~services be provided, unless at least the following percentages of~~
25 ~~agricultural inspector aides employed under the cooperative~~
26 ~~agreement are afforded protections as permanent employees under~~
27 ~~the county's civil service or other personnel system:~~

28 ~~(1) For the fiscal year 2004-05, 50 percent of the agricultural~~
29 ~~inspector aides employed by the county during the 2003-2004~~
30 ~~fiscal year providing year-round services.~~

31 ~~(2) For the fiscal year 2005-06, 100 percent of the agricultural~~
32 ~~inspector aides employed by the county providing year-round~~
33 ~~services.~~

34 ~~(b) The cooperative agreement requiring year-round services~~
35 ~~may not result in increased costs to the department above those~~
36 ~~from the cooperative agreement requiring year-round services in~~
37 ~~the 2003-04 fiscal year.~~